

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

CSI CONSTRUCTION COMPANY,
a Colorado corporation,

Plaintiff,

v.

CAMPBELL'S SIDING & WINDOWS, an
Idaho corporation, and GARY PRICE,

Defendants.

No. 4:14-CV-5035-EFS

**ORDER GRANTING PLAINTIFF'S MOTION
FOR SUBSTITUTION OF PARTY**

Before the Court, without oral argument, is Plaintiff's Motion for Substitution of Party, ECF No. 35. On July 20, 2015, Plaintiff notified the Court that one of the defendants in the case, Mr. Gary Price, had died. ECF No. 31. In response, the Court struck the trial and pretrial deadlines and set a deadline for a motion to file a substitution or dismissal. ECF No. 32. Plaintiff now asks the Court to substitute the Estate of Gary Price and its personal representative, Ms. Jennifer Price, as defendants in Mr. Price's place pursuant to Federal Rule of Civil Procedure 25(a)(1).

Rule 25(a)(1) states "If a party dies and the claim is not extinguished, the court may order substitution of the proper party. A motion for substitution may be made by any party or by the decedent's successor or representative." In this case, Plaintiff is seeking

monetary damages for Mr. Price's alleged breach of contract. ECF No. 1.
1. The Court finds that the Estate of Gary Price and its personal
representative are the proper parties to be substituted in under Rule
25(a)(1). Therefore, the Court grants Plaintiff's Motion for
Substitution of Party, ECF No. 35.

Accordingly, **IT IS HEREBY ORDERED:**

1. Plaintiff's Motion for Substitution of Party, **ECF No. 35**,
is **GRANTED**.

2. Gary Price is terminated as a party, and is to be
substituted with the Estate of Gary Price and its personal
representative Jennifer Price.

3. Plaintiff's counsel must send a copy of this order to the
personal representative of the Estate of Gary Price and
must then file a declaration with this Court confirming
that it has been sent and including the address to which it
has been sent.

4. The Clerk's Office is directed to amend the case caption as
follows:

CSI CONSTRUCTION COMPANY,
a Colorado corporation,

Plaintiff,

v.

CAMPBELL'S SIDING & WINDOWS,
an Idaho corporation, and
ESTATE OF GARY PRICE AND ITS PERSONAL REPRESENTATIVE
JENNIFER PRICE

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IT IS SO ORDERED. The Clerk's Office is directed to enter this Order and provide copies to all counsel.

DATED this 27th day of October 2015.

s/Edward F. Shea
EDWARD F. SHEA
Senior United States District Judge